

**IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT  
OF MICHIGAN, SOUTHERN DIVISION**

Capitol Beverage Company Inc,  
d/b/a Dan Henry Distributing Company,  
a Michigan corporation, O. & W., Inc.,  
a Michigan corporation and Eastown Distributors  
Co., a Michigan company

Plaintiffs,

v.

Case No.: 24-  
Hon.

Hornell Brewing Company, Inc.  
a Foreign Corporation,

Defendant.

---

David M. Nelson (P69471)  
Curtis R. Hadley (P32160)  
WILLINGHAM & COTE', P.C.  
Attorneys for Plaintiff  
333 Albert, Ste. 500  
East Lansing, MI 48823  
517 324-1066  
[dnelson@willinghamcote.com](mailto:dnelson@willinghamcote.com)  
[chadley@willinghamcote.com](mailto:chadley@willinghamcote.com)

---

There is no other pending or resolved civil action arising out of the transaction or  
occurrence alleged in the complaint.

**COMPLAINT FOR MONEY DAMAGES AND DECLARATORY RELIEF**

Plaintiffs Capitol Beverage Company Inc, d/b/a Dan Henry Distributing  
Company (hereinafter "Dan Henry"), O. & W., Inc., (hereinafter "O & W") and

Eastown Distributors Co (hereinafter “Eastown”) represented by its attorneys, Willingham & Cote’, P.C., states for their complaint as follows:

### **Introduction**

1. Plaintiffs bring this action because they were unlawfully terminated as the exclusive distributors in their respective territories for the AriZona Hard line of products in violation of the Michigan Liquor Control Code (“Code”) and their Distribution Agreements (“Agreements”).

2. The Code comprehensively regulates the business relationships between alcohol beverage suppliers and wholesalers. These provisions of the Code (sometimes referred to as “franchise laws”) are instrumental in maintaining a “sound, stable, and viable 3-tier distribution system.” MCL 436.1403(1)(b).

2. Prior to 2020 AriZona Beverages USA had limited their products to the non-alcoholic realm. AriZona began producing their line of juices and teas in 1992. Their iconic can and unique logo with the enlarged Z, pastel colors and southwestern motif became the hallmark of the AriZona brand. With the rise of hard seltzers in 2020, AriZona saw an opportunity and entered the alcohol beverage market with the AriZona SunRise. This was intended to take advantage of the AriZona brand loyalty and capture more market share. After this release, and to further capitalize on AriZona’s brand loyalty, AriZona released the AriZona Hard teas in 2023. Once AriZona entered the Michigan alcohol beverage market in 2020, the AriZona brand

became subject to the Michigan franchise laws. The AriZona Sunrise became the first AriZona branded alcoholic beverage in the state of Michigan. The release of AriZona Sunrise established AriZona as a brand pursuant to Michigan's Liquor Control Code.

3. On October 14, 2020, Hornell Brewing Company, through a sublicensing arrangement with Heineken, appointed Plaintiffs as its exclusive distributors of the AriZona Sunrise in various territories (hereinafter "specified territories"). See, MCL 436.1401 (the exclusive territory requirement). See **Exhibit A**.

4. In 2023, Hornell launched AriZona Hard. AriZona Hard was intended to leverage the AriZona brand to further expand AriZona's reach into the Flavored Malt Beverage (FMB) market. As the AriZona Hard incorporated a substantial part of the pre-existing brand (AriZona) it is a an extension, for purposes of alcoholic beverages, of the AriZona brand. See, MCL 436.1105(11) (the definition of "brand extension"). Under the Code, a supplier is required to assign all brand extensions to the distributor who was granted the exclusive territory for the brand from which the extension resulted. MCL 436.1401(3).

5. Because AriZona Hard is a brand extension of AriZona, pursuant to the Agreements and MCL 436.1401(3) Plaintiffs are entitled to the exclusive right to distribute AriZona Hard in the specified territories.

6. Hornell, was required to honor the distribution agreement and the Code and appoint Plaintiffs as its exclusive distributors of AriZona Hard in the specified territories and its failure to do so constitutes a wrongful termination of the Agreements and a violation of the franchise law. MCL 436.1401(3).

7. Under Michigan's franchise law, Hornell is liable for plaintiff's damages, costs and attorney fees, as well as for exemplary damages.

### **The Parties**

8. The Plaintiffs are licensed Michigan wholesalers of alcoholic beverages who were appointed by Hornell to distribute the AriZona brand when they were appointed to distribute AriZona SunRise within specified territories pursuant to the Agreements and the Code. MCL 436.1401.

9. Plaintiff Dan Henry Distributing Company's principal place of business is located at 5500 Aurelius Road, Lansing, MI 48911.

10. Plaintiff O. & W. Inc.'s principal place of business is 3003 William Avenue, Ypsilanti, MI 48198.

11. Plaintiff Eastown Distributors Co's principal place of business is located at 14400 Oakland Avenue, Highland Park, MI 48203.

12. Defendant Hornell Brewing Co, (hereinafter "Hornell") Inc. is foreign privately held company owned by Don Vultaggio who also owns AriZona Beverages USA, LLC.

13. Defendant Hornell is incorporated under the laws of the state of New York with a principal place of business located at One AriZona Plaza, 60 Crossways Park Drive West, Woodbury NY, 11797. Accordingly, Hornell is considered a citizen of New York pursuant to 28 U.S.C. § 1332.

14. Defendant Hornell is a licensed outstate seller of beer in the state of Michigan and sells its products throughout the state of Michigan.

### **Jurisdiction and Venue**

15. The amount in controversy is in excess of \$75,000 exclusive of interest and costs, with regard to each of the Plaintiffs' claims. Each of the Plaintiffs' damages individually include diminished value of their businesses, including the loss of goodwill, and statutorily allowed attorney fees, which exceed \$75,000 per Plaintiff.

16. This Court has jurisdiction over this matter as the matter in controversy exceeds \$75,000 exclusive of interest and costs and is between citizens of different states. See 28 USC § 1332(a).

17. Defendant sells its products throughout the state of Michigan, including in the counties of Ingham, Eaton, and Clinton. Please see **Exhibit A** for additional counties in which Defendant sells its products.

18. Venue is proper in this Court because the Defendant is a resident of the Western District by virtue of the fact that it sells its products throughout the Western

District and is therefore subject to the Court's personal jurisdiction. See 28 USC § 1391.

### General Allegations

19. In the first quarter of 2021, the AriZona brand of beverages entered the alcohol beverage market with the release of the AriZona SunRise.

20. Upon information and belief, AriZona SunRise was produced and manufactured by Hornell Brewing Company.

21. Upon information and belief Hornell licensed the AriZona brand to Heineken to take advantage of Heineken's extensive beer distribution network.

22. A press release (**Exhibit B**) for the AriZona SunRise illustrates that the launch was intended to capitalize on the AriZona name to attract new loyal AriZona customers to the hard seltzer market further expanding AriZona's market share:

We also believe AriZona SunRise Hard Seltzer is about broadening the appeal of seltzer. The current hard seltzers on the market have very similar positioning and we wanted to offer a range of tastes to appeal to a wide array of people. We are looking forward to bringing the fun of AriZona to the table. AriZona Sunrise Hard Seltzer brings everyone (21+) to the party with a product that puts great taste at the center.

With regard to the launch of the AriZona SunRise, the owner of AriZona, Don Vultaggio stated:

As both family-owned companies and brand building powerhouses, there are many synergies between HEINEKEN and AriZona, making this a winning partnership to bring our unique seltzer proposition to the market.

23. On October 14, 2020, Hornell, through its licensing agreement with Heineken appointed plaintiffs as its exclusive distributors for the AriZona SunRise in specified territories.

24. As part of its attempt to grow AriZona's FMB line of beverages, in 2023, Hornell launched AriZona Hard. Both AriZona SunRise and AriZona Hard are beer products and both are marketed and sold under the AriZona tradename and trademark. See, **Exhibits C**, press releases for AriZona SunRise and AriZona Hard. The COLA labels for the AriZona Hard identify the brand as being AriZona. **Exhibit D.**

25. Hornell has attempted to argue that AriZona SunRise and AriZona Hard are not brand extensions because AriZona Hard was not the product of a sublicensing agreement and AriZona SunRise was. However, under Michigan law this is irrelevant as the Legislature specifically amended the Code to expand brand extensions to products regardless of the supplier or manufacturer. See MCL 436.1105(11). Attached as **Exhibit E** is the pre-amendment version and current version showing the same supplier language has been deleted. Plaintiffs had the exclusive right to distribute the AriZona SunRise product within their specified territories and any new product that qualified as a brand extension of the AriZona alcoholic beverage brand. MCL 436.1401. As the AriZona Hard incorporates a substantial part of the pre-existing brand (AriZona) it is a brand extension of the

AriZona alcoholic beverages brand. and therefore, Hornell was required to appoint plaintiffs as the exclusive distributors in the specified territories.

26. Rather than honor the Agreement and the Code, and appoint plaintiffs as its exclusive distributors in the specified territories, Hornell appointed different distributors.

27. Plaintiffs were not assigned the rights to distribute AriZona Hard.

**COUNT I – HORNELL BREWING COMPANY’S VIOLATION OF MCL  
436.1403**

28. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 27 as though fully set forth herein.

29. Hornell is a supplier, specifically, a licensed outstate seller of beer. MCL 436.1403(2)(j).

30. Pursuant to MCL 436.1401(1), an outstate seller of beer or malt beverages “shall grant to each of its wholesalers an exclusive sales territory in which the wholesaler is a distributor of the specified brand or brands of the ... outstate seller.”

31. A brand extension is not a new or different brand. MCL 436.1401(3).

32. A manufacturer or outstate seller of beer “shall assign a brand extension to the wholesaler that was granted the exclusive sales territory to the brand from which the brand extension resulted.” MCL 436.1401(3).



33. The terms “brand” and “brand extension” are defined in MCL

436.1105:

(10) “Brand” means any word, name, group of letters, symbol, trademark, or combination thereof adopted and used by a supplier to identify a specific beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product and to distinguish that product from another beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product that is produced or marketed by that or another supplier. As used in this subsection, “supplier” means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.

(11) “Brand extension” means any brand that incorporates all or a substantial part of the unique features of a preexisting brand, regardless of whether the extension is beer, wine, mixed wine drink, or mixed spirit drink.

34. A supplier shall not withhold delivery of beer ordered by a wholesaler.

MCL 436.1403(3)(g).

35. A supplier shall not terminate a wholesaler, unless it has provided the statutorily required notice and has good cause for the termination. MCL 436.1403(7).

36. An “outstate seller of beer . . . that has designated a sales territory for a wholesaler shall not enter into an additional agreement with any other wholesaler for the same brand or brands of beer in the same territory or any portion of that territory.” MCL 436.1403(15).

37. With the launch of the AriZona SunRise in Michigan, the AriZona became an alcoholic beverage brand in the State of Michigan subject to the franchise laws. AriZona Sunrise was a product offering under the AriZona brand. AriZona is a well-recognized trademark and was used for the purpose of identifying the SunRise as an AriZona product to establish brand loyalty and to distinguish that seltzer from seltzer's produced by other competitors. The press releases illustrate that Hornell intended to capitalize on the AriZona brand loyalty to enter the hard seltzer space. AriZona is the "preexisting brand" for purposes of MCL 436.1105(11).

38. In an attempt to expand into the FMB space AriZona Hard was launched. This was intended to again tap into the AriZona brand loyalty. This is clear from the classic AriZona logo with the classic southwestern motif, pastel colors and can shape. Both AriZona Hard and AriZona Sunrise are beer products. Both are produced by the same supplier, Hornell Brewing Company, notwithstanding the sublicense agreement. As AriZona Hard incorporates a substantial part of the pre-existing brand (AriZona) it is a brand extension of the AriZona brand within the meaning of MCL 436.1105(11).

39. While Hornell will likely argue that it is not a brand extension because the AriZona SunRise was produced and distributed pursuant to a sublicense agreement with Heineken, this argument is flawed because the brand extension definition was amended prior to the launch of the AriZona Hard to include products

produced by different suppliers within the definition of a brand extension if they incorporate a substantial part of the pre-existing brand. See MCL 436.1105(11). This amendment, effective October 14, 2022 eliminated the requirement that a brand extension have the same supplier as the brand from which it resulted. So even if Heineken was the supplier of the AriZona SunRise, AriZona Hard would still be considered a brand extension because it incorporates a substantial part of the pre-existing brand regardless of whether the new supplier is Hornell. MCL 436.1105(11).

40. Upon information and belief, AriZona Hard would be a brand extension of AriZona even under the pre-amendment definition because both products are produced by Hornell and both are considered beer.

41. Plaintiffs expressed their intention and desire to continue selling AriZona products including the AriZona Hard in the specified territories and placed orders for the AriZona Hard.

42. Defendant did not fill Plaintiffs orders and appointed other distributors to distribute the AriZona Hard in the specified territories.

43. Plaintiff, Dan Henry, through counsel sent a letter to Mr. Hamadeh on November 6, 2023, requesting that defendant honor the Agreement and appoint it as the distributor for the AriZona Hard within the specified territories.

44. Defendant failed to respond. It was ultimately learned that there would be no changes in Michigan because it was Defendant's position that AriZona Hard was not a brand extension because it was a "malt-based" product and because it was not manufactured pursuant to a sublicensing arrangement with Heineken but was rather a direct production from Hornell.

45. Assuming that this is the basis for Defendant's contention that AriZona Hard is not a brand extension, this basis is completely foreclosed by the amendments to MCL 436.1105(11), which were in effect at the time that AriZona Hard was launched.

46. At all times Plaintiffs have stood ready and able to continue as the exclusive wholesaler of AriZona Hard in the specified territories.

47. Hornell has withheld delivery of ordered products in violation of MCL 436.1403(g).

48. Additionally, since the AriZona Hard is a brand extension, it is considered the same brand, see MCL 436.1401(3), and therefore by appointing other distributors in the same territory, Hornell has violated the franchise laws, MCL 436.1403(15).

49. Hornell's failure to appoint Plaintiffs as the exclusive distributor in Michigan for AriZona Hard in the specified territories constitutes a wrongful termination of Plaintiffs' rights under the Agreements in violation of MCL

436.1403(7) through (10) because Hornell did not have good cause for the termination, nor did Hornell ever assert that good cause existed, and Hornell otherwise failed to comply with the franchise law. Additionally, Hornell has failed to comply with MCL 436.1401(3), which required it to appoint Plaintiffs as the exclusive distributor of the AriZona Hard in the specified territories. As a result, Plaintiffs are entitled to its actual damages, exemplary damages, costs and attorney fees.

### **Damages**

50. Plaintiffs incorporate by reference each and every allegation set forth in paragraphs 1-49 as if fully set forth herein.

51. As a result of Defendant's wrongful actions in violation of the Code as set forth above, Plaintiffs are entitled to their actual damages, including reasonable compensation for the diminished value of Plaintiffs' business or of any ancillary business which was negatively affected by Defendants' actions, or both. MCL 436.1403(17). The value of the business or ancillary business shall include, but not be limited to, goodwill. *Id.*

52. Plaintiffs are entitled to recover their actual damages reasonably incurred as a result of Defendant's violations, as well as court costs and reasonable attorney fees incurred as a result of Defendant's violations. MCL 436.1403(28) and (29).

53. Plaintiffs have incurred and will continue to incur actual damages, including but not limited to the loss of profits that would have been earned under the Agreements had it not been wrongfully terminated by Defendant. These damages will continue to grow and exceed \$75,000 exclusive of interest and costs.

54. Plaintiffs are also entitled to exemplary damages. MCL 436.1403(17).

WHEREFORE, Plaintiffs Capitol Beverage Company, Inc, d/b/a Dan Henry Distributing Company, O. & W., Inc. and Eastown Distributors Co., respectfully requests the Court to award actual damages, court costs, and reasonable attorney fees, as well as exemplary damages, caused by Defendant's violations of the Code and wrongful termination of the Agreement, and to grant such other relief as the Court determines to be proper.

## **COUNT II – DECLARATORY JUDGMENT**

55. Plaintiffs incorporate by reference allegations 1-54 as if fully set forth herein.

56. There is a case of actual controversy between the parties. Specifically, Plaintiffs contend that the Defendant was required to appoint them as the exclusive distributors for the AriZona Hard within the specified territories and Defendant's failure to appoint them constitutes a violation of the Code and the Agreements. Defendant has taken the position that it had no obligation to appoint Plaintiffs on the basis that the AriZona Hard is not a brand extension.

57. As there is a case of actual controversy that will continue into the future unless this Court determines the rights and obligations of the parties, a Declaratory Judgment is necessary pursuant to 28 USC § 2201.

58. Plaintiffs request that this Honorable Court issue a declaratory judgment setting forth the following:

- a. The AriZona Hard is a brand extension of the AriZona brand.
- b. The Plaintiffs have the exclusive right to distribute the AriZona Hard within the territories specified in the Agreements.

Respectfully submitted,

WILLINGHAM & COTE', P.C.

Dated: September 20, 2024

By: /s/David M. Nelson  
David M. Nelson (P69471)  
Curtis R. Hadley (P32160)  
Attorneys for Plaintiff  
333 Albert, Ste. 500  
East Lansing, MI 48823  
(517) 324-1066  
[dnelson@willinghamcote.com](mailto:dnelson@willinghamcote.com)

# EXHIBIT A





*Sent electronically  
on 11/16/20*

October 14, 2020

**Sent via Email**

**Dan Henry Distributing**  
**5500 Aurelis Road**  
**Lansing, MI 48911**  
**Attn: Dan Henry- President**

**Re: Appointment – AriZona SUNRISE**

Dear Dan,

Heineken USA Incorporated ("HUSA") hereby appoints **Dan Henry Distributing** as a distributor for the **AriZona SUNRISE Brand** (Cherry Punch, Lemon, Grapefruit, Mucho Mango) effective as of **October 14, 2020** for the territory described on Schedule 2 (attached) located in the state of **Michigan** (the "Territory").

Please note that the **AriZona SUNRISE Brand** has been sublicensed to HUSA in connection with the import and sale in the United States, including the right to sublicense in association with the promotion, marketing, and distribution of such products under the **AriZona SUNRISE Brand** in the Territory.

The rights and obligations of the parties under this appointment will be governed by our Distributor Quality Agreement (the "**Agreement**") and construed in accordance with the laws of the State of **Michigan** (excluding its conflicts of law provisions); provided, however, that to the extent any substantive provision of this appointment or the **Agreement** directly conflicts with the substantive provisions of the alcoholic beverage, beer franchise or other similar laws of the Territory, the conflicting provisions of such laws will control.

Acceptance of this appointment by signature, ordering product, receiving product and/or selling the brand to retail accounts, **Dan Henry Distributing** agrees to support the launch of the **AriZona SUNRISE Brand** with a commitment of \$1.00 per case for three years, which is in addition to the current LDF contribution made by Distributor under the **Agreement**.

Please sign and return a copy of Schedule 2 to evidence your agreement. The executed copy can be sent to: [distributornetwork.development@heinekenusa.com](mailto:distributornetwork.development@heinekenusa.com)

**HEINEKEN USA INCORPORATED**

A handwritten signature in blue ink, appearing to read "JS", written over a horizontal line.

**Jim Sloan**  
**Chief Sales Officer**

**CC: John Doolan, E. Mullen, S. Quincy, E. Farrell**



360 Hamilton Ave. Suite 1103  
White Plains, NY 10601-1882  
Phone: (914) 681-4100

## SCHEDULE 2 TERRITORY ASSIGNMENT

**Brand:** ARIZONA SUNRISE (CHERRY PUNCH, LEMON, GRAPEFRUIT, MUCHO MANGO)

**Portfolio:** HUSA

**Dan Henry Distributing**

**SAP Customer No:** 11500258

5500 Aurelis Road

Lansing

MI

48911

**County** **You have the entire county unless stated below**

Clinton County

Eaton County

Ingham County

Livingston County

Limited to that portion north of, but not including, State Highway 106 from the western county line east to, but not including, the town of Gregory, from this point, State Highway 36, but not including the highway, east to, and not including, the town of Pinckney, from this point all territory west of, but not including, State Highway 132, north to, but not including, the town of Oak Grove, but including the town of Howell: from Oak Grove, Faussett Road (neither side) east to, but not including, Highway 23 which is the southern boundary. From Highway 23 north to Center Road, continuing on Center Road (neither side) west to Argentine Road, and Argentine Road (neither side) north to the county line, continuing north, west and south on the county line to the point of origin.

**Distributor Signature**

**Date** 11-16-20

**Friday, October 9, 2020**

Schedule 2



October 14, 2020

*Sent via Email*

O & W, Inc.  
3003 William Ave  
Ypsilanti, MI 48198  
Attn: Doug Wanty- President

**Re: Appointment – AriZona SUNRISE**

Dear Doug,

Heineken USA Incorporated ("HUSA") hereby appoints **O & W, Inc.** as a distributor for the **AriZona SUNRISE Brand (Cherry Punch, Lemon, Grapefruit, Mucho Mango)** effective as of **October 14, 2020** for the territory described on Schedule 2 (attached) located in the state of Michigan (the "Territory").

Please note that the **AriZona SUNRISE Brand** has been sublicensed to HUSA in connection with the import and sale in the United States, including the right to sublicense in association with the promotion, marketing, and distribution of such products under the **AriZona SUNRISE Brand** in the Territory.

The rights and obligations of the parties under this appointment will be governed by our Distributor Quality Agreement (the "**Agreement**") and construed in accordance with the laws of the State of **Michigan** (excluding its conflicts of law provisions); provided, however, that to the extent any substantive provision of this appointment or the **Agreement** directly conflicts with the substantive provisions of the alcoholic beverage, beer franchise or other similar laws of the Territory, the conflicting provisions of such laws will control.

Acceptance of this appointment by signature, ordering product, receiving product and/or selling the brand to retail accounts, **O & W, Inc.** agrees to support the launch of the **AriZona SUNRISE Brand** with a commitment of \$1.00 per case for three years, which is in addition to the current LDF contribution made by Distributor under the **Agreement**.

Please sign and return a copy of Schedule 2 to evidence your agreement. The executed copy can be sent to: [distributornetwork.development@heinekenusa.com](mailto:distributornetwork.development@heinekenusa.com)

**HEINEKEN USA INCORPORATED**

A handwritten signature in black ink, appearing to read "JS", written over a faint circular stamp.

**Jim Sloan**  
Chief Sales Officer

**CC: John Doolan, E. Mullen, S. Quincy, E. Farrell**

© 2020 Heineken USA Incorporated. 300 William Ave, Ypsilanti, MI 48198. Phone: 734.482.1000. Fax: 734.482.1001.

4 00

HEINEKEN

HEINEKEN USA INCORPORATED



360 Hamilton Ave. Suite 1108  
White Plains, NY 10601-1882  
Phone: (914) 681-4100

## SCHEDULE 2 TERRITORY ASSIGNMENT

**Brand:** ARIZONA SUNRISE (CHERRY PUNCH, LEMON, GRAPEFRUIT, MUCHO MANGO)

**Portfolio:** HUSA

**O & W, Inc.**

**SAP Customer No:** 11500465

3003 William Ave

Ypsilanti

MI

48198

### **County**                      **You have the entire county unless stated below**

Hillsdale County

Jackson County

Lenawee County

Livingston County

Limited to the area described as: South of, and including both sides, State Highway 36 from the western county line, east to and including the Town of Gregory (as platted on 8/1/78); from this point State Highway 36, including both sides of the highway, east to and including, the town of Pinckney (as platted on 8/1/78); from this point all territory east of and including both sides of Pinckney Road (County Road D19), north to the Town of Howell, but not including any of the Town of Howell, along the Oak Grove Road and including both sides of Oak Grove Road to Cohoctah Road; all of the Town of Cohoctah (as platted on 8/1/78) and that territory east to and including both sides of Cohoctah Road to Argentine Road. Argentine Road south to and including both sides of Faussett Road east to U.S. Highway 23 (old U.S. 23); north on and including both sides of U.S. 23 to Center Road. Center Road, but not including either side of Center Road, becomes the northern boundary from the intersection of U.S. 23 (old U.S. 23) east to the county line.

Monroe County

Washtenaw County

Wayne County

Limited to the area described as: beginning at the centerline of Wayne county line (Eight Mile Road) and the Washtenaw County line, proceeding east to the centerline of Telegraph Road. Going South along the centerline of Telegraph Road to centerline of Pennsylvania Road. Proceeding east along the centerline of Pennsylvania Road to the Detroit River. Going along the Detroit River, including Grosse Isle, to the Monroe County line. Going west along the Monroe County line to the Washtenaw County line. Then north along the Washtenaw County line to the centerline of Eight Mile Road (Oakland-Wayne County line).

**Distributor Signature**

**Date**

10/16/20

**Friday, October 9, 2020**

Schedule 2



360 Hamilton Ave. Suite 1103  
White Plains, NY 10601-1882  
Phone: (914) 681-4100

**SCHEDULE 2  
TERRITORY ASSIGNMENT**

**Brand:** ARIZONA SUNRISE (CHERRY PUNCH, LEMON, GRAPEFRUIT, MUCHO MANGO)

**Portfolio:** HUSA

**Eastown Distributors Company**

**SAP Customer No: 11500413**

14400 Oakland Avenue

Highland Park

MI

48203

***County***

**You have the entire county unless stated below**

Wayne County

Limited to the area described as: Belle Isle as well as that area within the described boundary: Beginning at the intersection of the centerlines of Telegraph Road and Eight Mile Road (Wayne –Oakland County line) going east along the centerline of Eight Mile Road to the Wayne – Macomb County line, continuing east to Lake St. Clair. Proceeding south along Lake St. Clair and the Detroit River to the centerline of Pennsylvania Road. Following west along the centerline of Pennsylvania road to the centerline of Telegraph Road. Proceeding north along the centerline of Telegraph Road to the centerline of Eight Mile Road.

**Distributor Signature**

A handwritten signature in black ink, appearing to be "T. J. Smith", written over a horizontal line.

**Date**

10.15.20

**Friday, October 9, 2020**

Schedule 2

# EXHIBIT B

**FOR IMMEDIATE RELEASE**

**EVER SEEN A CLEAR MANGO? NO, NEITHER HAVE WE.**

*HEINEKEN USA AND ARIZONA BRING A SPLASH OF REAL FRUIT TO HARD SELTZER IN THE US*

**White Plains, NY** (Wednesday, October 14, 2020) - Today HEINEKEN USA and Hornell Brewing Company, an affiliated entity of AriZona Beverages, announced they are bringing AriZona SunRise Hard Seltzer to the market. A refreshing take on a hard seltzer made with a splash of real fruit, AriZona SunRise Hard Seltzer comes in four flavors and will be available in both 12 pack (variety) and single serve cans.

"As both family-owned companies and brand building powerhouses, there are many synergies between HEINEKEN and AriZona, making this a winning partnership to bring our unique seltzer proposition to the market," said Don Vultaggio, Chairman AriZona Beverage Company.

"AriZona is an iconic player in the beverage industry, famous for bringing delicious and all-natural non-alcoholic products to diverse consumers across the United States and worldwide. HEINEKEN USA brings strong relationships with the distributor network in the United States and extensive manufacturing and brand building expertise in alcohol. Together, we teamed up to both do what we do best. We intend to broaden the appeal of Hard Seltzer by bringing more people to the party."

"We're excited to be working with AriZona to introduce the next evolution of Hard Seltzer. Most of the current Hard Seltzers on the market are clear, with similar flavor profiles, so we jointly saw an opportunity to add a splash of fruit to the category as we know consumers are looking for real ingredients and great taste," said Jonnie Cahill, SVP & Chief Marketing Officer, HEINEKEN USA.

"We also believe AriZona SunRise Hard Seltzer is about broadening the appeal of seltzer. The current hard seltzers on the market have very similar positioning and we wanted to offer a range of tastes to appeal to a wide array of people. We are looking forward to bringing the fun of AriZona to the table. AriZona Sunrise Hard Seltzer brings everyone (21+) to the party with a product that puts great taste at the center."

Launching in Q1 2021 nationwide, AriZona SunRise Hard Seltzer will be available in four AriZona juice flavors, including Mucho Mango, Cherry Punch, Lemon and Grapefruit. It will be available in a variety pack (Mucho Mango, Cherry Punch, Lemon, Grapefruit) and 19.2oz. single serve cans (Mucho Mango, Cherry Punch). AriZona SunRise Hard Seltzer contains 100 calories per 11.5oz can and has an ABV of 4.6%.

AriZona SunRise Hard Seltzer is perfect for any occasion when consumers are looking for a great tasting and refreshing hard seltzer option. It is gluten free, low in carbs (2-4g/can) and contains no added sugar.

###

**About HEINEKEN USA**

HEINEKEN USA Inc., the nation's leading high-end beer importer, is a subsidiary of HEINEKEN International N.V., the world's most international brewer. Key brands imported into the U.S. are

Heineken® – the world’s most international beer brand, Heineken® 0.0 – an alcohol-free beer innovation, the Dos Equis Franchise and the Tecate Franchise. HEINEKEN USA also imports Amstel Light, Red Stripe, Tiger Beer, Strongbow Hard Apple Ciders, Birra Moretti, Bohemia and more. For news and updates, follow us on Twitter @HeinekenUSACorp, or visit [HEINEKENUSA.com](https://www.heinekenusa.com).

**About Hornell Brewing Company**

Hornell Brewing Company, Inc. was founded in 1934 with origins in Hornell, New York. To this day the company remains a privately held American business by the Vultaggio family, owners of the renowned AriZona iced teas, waters, juices, energy drinks, sports drinks and powdered tea mixes.

**About AriZona Beverages**

AriZona Beverages, founded in Brooklyn, N.Y. in 1992, is proud to be a family owned and operated American company. AriZona’s mission is to offer top quality beverages in uniquely designed packages that are accessible and affordable. AriZona Beverages — makers of the number one ready-to-drink Iced Tea in America — holds a unique position in the global beverage industry with its iconic big can and “keep it real” no-frills approach to the consumer market. With a loyal following across many demographics, AriZona pulls its inspiration from its fierce social media following and devoted fanbase. To learn more about AriZona, please visit [drinkarizona.com](https://www.drinkarizona.com)



# EXHIBIT C

6/6/24, 10:21 AM

Heineken USA, AriZona Reveal Sun Rise Hard Seltzer | Brewbound

[www.brewbound.com](https://www.brewbound.com)

# Heineken USA, AriZona Reveal Sun Rise Hard Seltzer

Justin Kendall | Oct. 15, 2020 at 7:54 AM

Hard Seltzer

Heineken

Listen to this article



Another major brewer is teaming up with a non-alcoholic beverage maker to create a hard seltzer.

Heineken USA and AriZona Beverages' Hornell Brewing Company are working together to launch AriZona Sun Rise Hard Seltzer nationwide in the first quarter of 2021.

6/6/24, 10:21 AM

Heineken USA, AriZona Reveal Sun Rise Hard Seltzer | Brewbound

AriZona Sun Rise Hard Seltzer will be available in four flavors — Mucho Mango, Cherry Punch, Lemon and Grapefruit — and will be sold in variety 12-pack cans and 19.2 oz. single-serve cans (Mucho Mango and Cherry Punch). Each 11.5 oz. can checks in at 4.6% ABV and 100 calories.

In a press release, AriZona Beverage Company chairman Don Vultaggio touted Heineken USA's "strong relationships with the distributor network in the United States and extensive manufacturing and brand building expertise in alcohol."

"Together, we teamed up to both do what we do best," he said. "We intend to broaden the appeal of hard seltzer by bringing more people to the party."

"We're excited to be working with AriZona to introduce the next evolution of hard seltzer," Heineken USA SVP and chief marketing officer Jonnie Cahill added. "Most of the current hard seltzers on the market are clear, with similar flavor profiles, so we jointly saw an opportunity to add a splash of fruit to the category as we know consumers are looking for real ingredients and great taste."

6/6/24, 10:21 AM

Heineken USA, AriZona Reveal Sun Rise Hard Seltzer | Brewbound

Cahill also touted the potential for AriZona Sun Rise Hard Seltzer to broaden the appeal of seltzer in the U.S.

“The current hard seltzers on the market have very similar positioning and we wanted to offer a range of tastes to appeal to a wide array of people,” Cahill said in the release. “We are looking forward to bringing the fun of AriZona to the table.”

Heineken USA is already active within the hard seltzer space, which has generated \$3.49 billion in off-premise sales in the 52 weeks that ended September 5, according to market research firm Nielsen.

Earlier this fall, the company launched Canijilla, a hard seltzer with Mexican-inspired flavors, in two U.S. markets: San Bernardino, California, and McAllen, Texas. Heineken USA first teased Canijilla (<https://www.brewbound.com/news/heineken-usa-out-to-win-in-2020-doubles-down-on-non-alc-and-reveals-plans-to-revive-amstel-light/>) during the company’s national sales meeting in October 2019.

Meanwhile, Heineken N.V. launched Pure Piraña, a hard seltzer that checks in at 100 calories and 5% ABV, last month in Mexico and New Zealand.

Heineken USA’s partnership with AriZona follows similar deals between beer companies and non-alcoholic beverage brands to launch hard seltzers. Mass. Bay Brewing’s Harpoon Brewery and Polar seltzer launched Arctic Chill (<https://www.brewbound.com/news/2020/harpoon-and-polar-rebrand-hard-seltzer-as-arctic-chill-cut-calories-and-sugar-content>) last year (<https://www.brewbound.com/news/harpoon-to-partner-with-polar-on-forthcoming-hard-seltzer-line/>).

Last month, Molson Coors unveiled a deal with The Coca-Cola Company to make, market and distribute a Topo Chico branded hard seltzer (<https://www.brewbound.com/news/with-topo-chico-hard-seltzer-added-to-portfolio-molson-coors-ready-for-hard-seltzer-fight-cmo-says/>).

Energy drinker maker Monster is also exploring entering the hard seltzer segment (<https://www.brewbound.com/news/monster-beverage-likely-to-enter-hard-seltzer-segment-according-to-analyst-dogfish-head-launches-hard-seltzer-at-delaware-taproom/>) next year.

# INSIDER

## LIKE WHAT YOU’RE READING?

Become an Insider for complete access to Brewbound news, insights, community.

Featured Insider benefits include:

6/6/24, 10:21 AM

Heineken USA, AriZona Reveal Sun Rise Hard Seltzer | Brewbound

- **Full Access to Brewbound** - Unrestricted access to all written and video content from the leading journalists in the beer industry.
- **Daily Briefing Newsletter** - Sent Monday-Friday, the Daily Briefing starts your day off with the latest news, trends, and data in an easily digestible format.
- **Exclusive Interactive Programs** - Have your burning questions answered and find solutions to your toughest challenges with our original programming.
- **Educational Video Archive** - Video learning at your fingertips from our expansive community of beer experts.
- **Insider-only Discounts** - Save on Brewbound events and job board listings.

Login

(<https://auth.brewbound>)

Become an Insider

(<https://app.bevnet.com/>)

6/6/24, 10:24 AM

Heineken partners with Arizona Beverages on new hard seltzer | Food Dive



## DIVE BRIEF

# Heineken partners with Arizona Beverages on new hard seltzer

Published Oct. 16, 2020



Christopher Doering  
Senior Reporter

*Courtesy of Heineken***Dive Brief:**

- Heineken USA and Hornell Brewing Company, affiliated with Arizona Beverages, are introducing Arizona Sunrise Hard Seltzer, the companies said in a statement.
- Arizona Sunrise will launch in the first quarter of 2021. The new offering has a splash of real fruit and comes in four flavors: Mucho Mango, Cherry Punch, Lemon and Grapefruit.
- Heineken is the latest beer company to broaden its reach in the fast-growing hard seltzer category. Molson Coors announced last month it would be the exclusive manufacturer, marketer and distributor of Coca-Cola's Topo Chico Hard Seltzer in the U.S. when it launches next year. Other big alcohol companies, including Constellation Brands and AB InBev, have also entered the category.

**Dive Insight:**

As hard seltzer has upended the once stagnant alcohol space, nearly every major beer company with a presence in the U.S. has introduced at least one of these products. As beer sales are

struggling across most categories, hard seltzer brings a meaningful opportunity to increase sales.

Nielsen reported in June that explosive growth in hard seltzer hasn't slowed down. Off-premise sales for the 52 weeks ended June 13 were up 127%. The category continues to be dominated by two players: Mark Anthony Brands' White Claw and Truly, owned by Boston Beer. These two brands have a combined market share of more than 75%, the data analytics company found.

But their dominance hasn't stopped other companies from entering the space. Even soda giant Coca-Cola, which has largely eschewed alcoholic beverages, is entering the category through its partnership with Molson Coors.

Gavin Hattersley, CEO of Molson Coors, has vowed to use hard seltzer as a way to help revive the company's sluggish growth. The maker of Coors Light and Blue Moon spent millions to create Vizzy, a hard seltzer made with acerola cherry, a superfruit with 30 times more vitamin C per cup than an orange.

"We believe the seltzer category is here to stay," Hattersley told analysts last year.

Beer giant AB InBev, buoyed by Bud Light Seltzer, among other offerings, said last year it would invest \$100 million into hard seltzer.

Heineken has been quickly working to expand its presence in hard seltzers. In addition to the launch of the Arizona Sunrise Hard Seltzer, Heineken also recently announced a new line of premium Mexican flavored hard seltzers called Canijilla, and Bask, a new IPA-style hard seltzer brand.

Both of those offerings are only available in limited releases, so Heineken could benefit from a hard seltzer with a broader reach.

6/6/24, 10:24 AM

Heineken partners with Arizona Beverages on new hard seltzer | Food Dive

And with Sunrise sporting the Arizona label rather than Heineken, it gives the beer manufacturer another shot on goal in the ultra-competitive hard seltzer segment.

In announcing Sunrise, the companies touted Arizona's knowledge of the beverage industry along with Heineken's strong relationships with distributors and extensive manufacturing and brand building expertise in alcohol.

While Arizona is best known for its canned 99-cent iced teas, the family-owned company has been slowly working to add new products to its portfolio. Arizona and Dixie Brands, a Denver-based cannabis company, entered into a partnership last year for the production, distribution and sale of cannabis-infused products including THC. The date for a product launch has not been announced.

With consumers spending more time at home, a trend that is likely to continue to some degree once the pandemic has abated, having a hard seltzer offering in the game could help Arizona move beyond iced tea. It also gives consumers more reasons to reach for its product throughout the day, with a tea in the afternoon or a hard seltzer and eventually a cannabis drink in the evening.



6/6/24, 10:22 AM

Ever seen a clear mango? No, neither have we.



HEINEKEN USA and AriZona bring a splash of real fruit to hard seltzer in the US.

HEINEKEN USA and Hornell Brewing Company, an affiliated entity of AriZona Beverages, announced they are bringing AriZona SunRise Hard Seltzer to the market. A refreshing take on a hard seltzer made with a splash of real fruit, AriZona SunRise Hard Seltzer comes in four flavors and will be available in both 12 pack (variety) and single serve cans.



AriZona is an iconic player in the beverage industry, famous for bringing delicious and all-natural non- alcoholic products to diverse consumers across the United States and worldwide. HEINEKEN USA brings strong relationships with the distributor network in the United States and extensive manufacturing

6/6/24, 10:22 AM

Ever seen a clear mango? No, neither have we.

and brand building expertise in alcohol. Together, we teamed up to both do what we do best. We intend to broaden the appeal of Hard Seltzer by bringing more people to the party.

We also believe AriZona SunRise Hard Seltzer is about broadening the appeal of seltzer. The current hard seltzers on the market have very similar positioning and we wanted to offer a range of tastes to appeal to a wide array of people. We are looking forward to bringing the fun of AriZona to the table. AriZona Sunrise Hard Seltzer brings everyone (21+) to the party with a product that puts great taste at the center.

Launching in Q1 2021 nationwide, AriZona SunRise Hard Seltzer will be available in four AriZona juice flavors, including Mucho Mango, Cherry Punch, Lemon and Grapefruit. It will be available in a variety pack (Mucho Mango, Cherry Punch, Lemon, Grapefruit) and 19.2oz. single serve cans (Mucho Mango, Cherry Punch). AriZona SunRise Hard Seltzer contains 100 calories per 11.5oz can and has an ABV of 4.6%.

AriZona SunRise Hard Seltzer is perfect for any occasion when consumers are looking for a great tasting and refreshing hard seltzer option. It is gluten free, low in carbs (2-4g/can) and contains no added sugar.

6/6/24, 10:22 AM

Ever seen a clear mango? No, neither have we.

## Downloads

HEINEKEN USA\_AriZona\_Sunrise Press Release\_10.14.20

<https://www.theheinekencompany.com/newsroom/download/939097/final-heinekenusa-arizona-sunrisepressrelease-10.14.20.pdf>

# AriZona Hard, the Iconic AriZona Iced Tea with 5% Alcohol, Officially Launches in Quebec

Français



---

NEWS PROVIDED BY  
**Molson Coors Beverage Company** →  
Jul 28, 2022, 09:00 ET

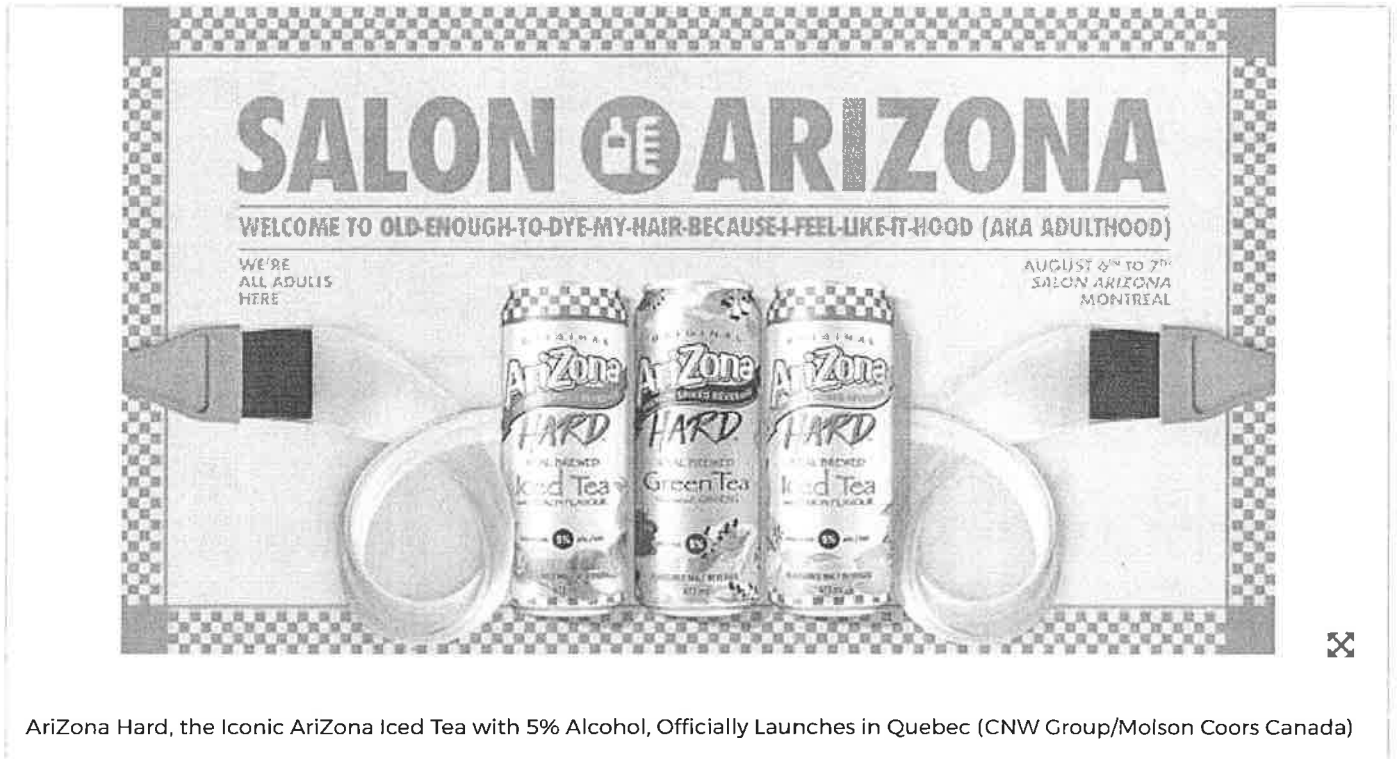
---

*Celebrate the occasion in style by making your '90s hair dye dreams come true at Montreal's  
Salon AriZona from August 6th to 7th*

MONTREAL, July 28, 2022 /CNW/ - AriZona Hard, the iconic AriZona iced tea with 5% alcohol, has officially launched in Quebec with three iconic flavours to sip on this summer:

- **AriZona Hard Green Tea** – Made from Real Brewed Green Tea! Flavoured with Ginseng & honey, it's the refreshing addition you'll enjoy in your cooler this summer.
- **AriZona Hard Lemon Iced Tea** – Brewed with black tea and lemon flavour. Its citrus notes makes it the ultimate beverage for your summer picnic.
- **AriZona Hard Peach Iced Tea** – Fruity peach notes combined with a sweet aroma make this the perfect summer refresher.

Continue Reading



AriZona Hard, the iconic AriZona Iced Tea with 5% Alcohol, Officially Launches in Quebec (CNW Group/Molson Coors Canada)

To celebrate the launch of this nostalgic drink, now with 5% alcohol, AriZona Hard is inviting Quebecers to throw caution to the wind and live out their '90s dream of dyeing their hair a wild and wonderful colour, free of charge! We've all thought about radically changing up our hairstyle, and luckily, some trends never go out of style - like a bold and bright look for the summer. Surrounded by funky, nostalgic furniture in an Instagrammable colour palette, consumers can sample the best of the '90s, while enjoying the iconic AriZona taste they all know.

"Since we know how much Quebecers enjoy AriZona's nostalgic tea drink, we're excited to finally provide them with Arizona Hard, a beverage that fits their lives today, all with a touch of '90s nostalgia!" said Michelle Sowinski, senior marketing manager at Molson Coors, "With Salon AriZona, we hope to take people back to a not-so-distant era and toast to adulthood!"

Join AriZona Hard on August 6th and 7th at 227 Notre Dame-West for a chance to receive a hair makeover and to be one of the first to try the AriZona Hard flavours. Quebecers of legal age can book a first come, first served appointment with a stylist by

visiting [AdultingWithAriZona.com](https://www.adultingwitharizona.com). If you're not able to make it to Salon AriZona, don't forget to pick up AriZona Hard at participating convenience and grocery stores across the province and make the most of summer!

### **About Molson Coors**

For over two centuries Molson Coors has been brewing beverages that unite people for all of life's moments. From Coors Light, Miller Lite, Molson Canadian, Carling, and Staropramen to Coors Banquet & Coors Original, Blue Moon, Belgian White & LightSky, Vizzy, Leinenkugel's Summer Shandy, Creemore Springs and more, Molson Coors produces some of the most beloved and iconic beer brands ever made. While the company's history is rooted in beer, Molson Coors offers a modern portfolio that expands beyond the beer aisle as well. The company's commitment to raising industry standards and leaving a positive imprint on our employees, consumers, communities and the environment is reflected in Our Imprint and our 2025 sustainability targets. To learn more about Molson Coors Beverage Company, visit [molsoncoors.com](https://molsoncoors.com), [MolsonCoorsOurImprint.com](https://MolsonCoorsOurImprint.com) or on Twitter through @MolsonCoors.

SOURCE Molson Coors Beverage Company

For further information: Media contact: Rosalie Lavoie, 514-244-5277, [rosalie.lavoie@citoyen.com](mailto:rosalie.lavoie@citoyen.com)

8/1/24, 11:02 AM

AriZona introduces new alcoholic beverages - WSVN 7News | Miami News, Weather, Sports | Fort Lauderdale



# AriZona introduces new alcoholic beverages

BY CAROLINA BORGES

JUNE 26, 2023

Share



8/1/24, 11:02 AM

AriZona introduces new alcoholic beverages - WSVN 7News | Miami News, Weather, Sports | Fort Lauderdale



AriZona, a beloved beverage brand known for its 99-cent price tag, is branching out this summer with a new line of alcoholic beverages. Departing from their signature affordable offerings, the AriZona Hard Premium Spiked Beverages will be available in 22-ounce cans for \$3.49.

The new Arizona alcoholic beverage is marketed as delivering the same iconic taste that the brand's iced teas are known for, while also packing a punch with a 5% alcohol content. This addition aims to cater to consumers seeking a refreshing and spirited twist on their favorite thirst quencher.

Enthusiasts can choose from three tantalizing flavors: Lemon, Peach, and Green Tea. Each variant promises a unique blend of delightful taste and a hint of alcoholic indulgence.

While the introduction of these new alcoholic beverages deviates from the company's established pricing, it represents an opportunity for the brand to capture a broader consumer base and diversify its product range.



8/1/24, 11:02 AM

AriZona introduces new alcoholic beverages - WSVN 7News | Miami News, Weather, Sports | Fort Lauderdale



Fans can get their hands on these spirited concoctions at select retailers and establishments across the country, allowing them to savor the familiar essence of AriZona iced tea while embracing the thrill of a mild alcoholic twist.

So, grab a can, sit back, and savor the iconic taste of AriZona with a splash of 5% alcohol.

*Copyright 2024 Sunbeam Television Corp. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.*

## Around The Web



**Neuropathic Pain? New Device 'Dissolves' the Root Cause - Watch**

NEUROPATHY GUIDE

**Grandma Attacked Outside Store In East Lansing**

SAFEALARM

**Diabetes is Not from Sweets! Meet the Main Enemy of Diabetes**

HEALTH-REVIEW24

**Top Doctor: If You Eat Eggs Every Day, This Is What Happens**

GUNDRYMD

**Michigan Audiologist: "This Is The Best Hearing Aid In The US"**

HEAR.COM

**Restaurants In East Lansing With Good Senior Discounts**

SUPER SAVINGS

6/6/24, 10:31 AM

AriZona launches 'new line' of summer drinks and customers can grab them for less than \$4 | The US Sun



US Edition

Search

Sign in

News

Real Estate

Retail

Tips



News

Sport

Lifestyle

TV

Entertainment

Money

Tech



Money &gt; Retail

## HOW REFRESHING AriZona launches 'new line' of summer drinks and customers can grab them for less than \$4

James Lawley

Published: 19:58 ET, Jun 26 2023 Updated: 19:58 ET, Jun 26 2023

### ARIZONA has launched a new line of three adult



6/6/24, 10:31 AM

AriZona launches 'new line' of summer drinks and customers can grab them for less than \$4 | The US Sun



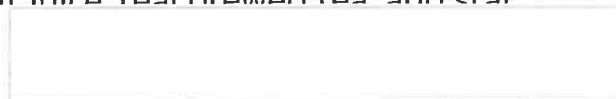
### AriZona has launched three new hard iced teas

Credit: AriZona Beverages

AriZona has given its cooler staples an alcoholic twist in time for summer.

The brand, known for its canned iced tea beverages, has added three new alcoholic drinks to its lineup.

The drinks, which could be compared to Twisted Tea, are made with real fruit juice, real brewed tea, and star



6/6/24, 10:31 AM

AriZona launches 'new line' of summer drinks and customers can grab them for less than \$4 | The US Sun

## READ MORE ON FOOD AND DRINK



**NOT SO FRUITY**  
**Cheerios confirms it**  
**has discontinued...**



**COFFEE CRASH** Four  
**drinks you'll never**  
**see again at...**

Iced tea with peach

Green tea with ginseng flavor and honey

Iced tea with lemon

While regular cans of Arizona are popular for their 99 cents price tag, the alcoholic varieties will be \$3.49 each for a 22 fl oz can.

That's more expensive than Twisted Tea, which is \$2.99 for a 24 fl oz can.

The drink is currently rolling out at stores nationwide after a successful test run in Florida.

## MOST READ IN MONEY

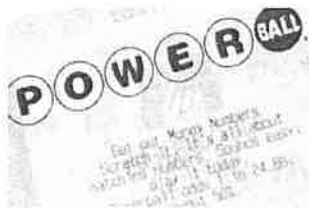


**PRICE CHECK** Walmart shopper gets discount  
 after store accidentally marks down item by  
 97%



6/6/24, 10:31 AM

AriZona launches 'new line' of summer drinks and customers can grab them for less than \$4 | The US Sun



**DOUBLE DOWN** Two Powerball tickets worth \$150,000 remain unclaimed & both are from same draw



**PRIZE DECISION** Lotto winner gets 'life-changing' amount - but loses quarter of immediately

thoughts on the new drinks, with one writing on

Twitter: "Bro this AriZona hard green tea is so good, mmmmm."

"Hard AriZona tea is amazing and the best thing ever," raved another.

AriZona has set up a handy locator tool to show fans which stores nearby have the drinks in stock.

Customers can also pick up packs of AriZona gummy candies with flavors such as Arnold Palmer, green tea, and mixed fruit.

## TOTALLY TWISTED

Alcoholic iced tea is the latest trend in canned alcoholic beverages, following the success of hard seltzers in 2020.

In fact, the volume of hard tea products grew 25.9 percent in 2021 compared to the previous year, reported IWSR Drinks Market Analysis.

Twisted Tea currently owns 90 percent of the market share, with brands like Loverboy and Owl's Brew offering more niche alternatives.

But AriZona isn't the only food and drinks brand to put



6/6/24, 10:31 AM

AriZona launches 'new line' of summer drinks and customers can grab them for less than \$4 | The US Sun



**SHOCKING BUST**  
**Jersey Shore's**  
**Angelina Pivarnick...**



**ICE QUEENS Hunter**  
**Biden's wife echoes**  
**Melania Trump in...**

Oreo has bought back its limited-edition cotton candy flavor in time for the summer.

And Taco Bell has reintroduced three items from the 90s as part of a new menu lineup.

**Topics**

Food And Drink

Money US

**NEW STORIES ON THE SUN**




# EXHIBIT D



8/31/24, 7:26 AM

OMB No. 1513-0020

OMB No. 1513-0020

<b>FOR TTB USE ONLY</b>		<b>DEPARTMENT OF THE TREASURY</b> <b>ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b> <b>APPLICATION FOR AND</b> <b>CERTIFICATION/EXEMPTION OF LABEL/BOTTLE</b> <b>APPROVAL</b> (See Instructions and Paperwork Reduction Act Notice on Back)	
TTB ID 22179001000060			
1. REP. ID. NO. (If any)	CT 906	OR 03	
<b>PART I - APPLICATION</b>			
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BR-NJ-21155		3. SOURCE OF PRODUCT (Required) <input type="checkbox"/> Domestic <input type="checkbox"/> Imported	
4. SERIAL NUMBER (Required) 220010		5. TYPE OF PRODUCT (Required) <input type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input checked="" type="checkbox"/> MALT BEVERAGE	
6. BRAND NAME (Required) ARIZONA		8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required) US BEVERAGE PACKERS LLC 1 ARIZONA WAY Keasbey NJ 08832	
7. FANCIFUL NAME (If any) HARD GREEN TEA		8a. MAILING ADDRESS, IF DIFFERENT	
9. FORMULA 1403610	10. GRAPE VARIETAL(S) (Wine Only) N/A	14. TYPE OF APPLICATION (Check applicable box(es)) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID, NO. _____	
11. WINE APPELLATION (If on label)			
12. PHONE NUMBER (847) 373-3751	13. EMAIL ADDRESS		
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.			
<b>PART II - APPLICANT'S CERTIFICATION</b>			
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
16. DATE OF APPLICATION 06/28/2022	17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed)		18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Monica Sargeant
<b>PART III - TTB CERTIFICATE</b>			
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.			
19. DATE ISSUED 06/29/2022	20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU 		

<b>FOR TTB USE ONLY</b>	
<b>QUALIFICATIONS</b> Approved without the DBA/Trade name being listed on the application. Please ensure that the DBA/Tradenname that is depicted on your label is approved by the National Revenue Center and listed on	<b>EXPIRATION DATE (If any)</b>



8/31/24, 7:26 AM

OMB No. 1513-0020

your permit prior to being released from bond or Customs.  
TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

**STATUS**

THE STATUS IS APPROVED.

**CLASS/TYPE DESCRIPTION**

MALT BEVERAGES SPECIALITIES - FLAVORED

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 7.46 inches W X 9 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.



8/31/24, 7:24 AM

OMB No. 1513-0020

OMB No. 1513-0020

<b>FOR TTB USE ONLY</b>		<b>DEPARTMENT OF THE TREASURY</b> <b>ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b> <b>APPLICATION FOR AND</b> <b>CERTIFICATION/EXEMPTION OF LABEL/BOTTLE</b> <b>APPROVAL</b> (See Instructions and Paperwork Reduction Act Notice on Back)	
<b>TTB ID</b> 22144001000846			
<b>1. REP. ID. NO. (If any)</b>	<b>CT</b> 906		
<b>PART I - APPLICATION</b>			
<b>2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)</b> BR-NJ-21155		<b>3. SOURCE OF PRODUCT (Required)</b> <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	
<b>4. SERIAL NUMBER (Required)</b> 220005		<b>5. TYPE OF PRODUCT (Required)</b> <input type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input checked="" type="checkbox"/> MALT BEVERAGE	
<b>6. BRAND NAME (Required)</b> ARIZONA		<b>8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)</b>  US BEVERAGE PACKERS LLC 1 ARIZONA WAY  Keasbey NJ 08832  HORNELL BREWING CO., INC. (Used on label)	
<b>7. FANCIFUL NAME (If any)</b> HARD ICED TEA PEACH		<b>8a. MAILING ADDRESS, IF DIFFERENT</b>	
<b>9. FORMULA</b> 1455718	<b>10. GRAPE VARIETAL(S) (Wine Only)</b> N/A	<b>14. TYPE OF APPLICATION (Check applicable box(es))</b>  a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL  b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.)  c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount)  d. <input checked="" type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. 22091001000401	
<b>11. WINE APPELLATION (If on label)</b>			
<b>12. PHONE NUMBER</b> (847) 373-3751	<b>13. EMAIL ADDRESS</b>		
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.			
<b>PART II - APPLICANT'S CERTIFICATION</b>			
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
<b>16. DATE OF APPLICATION</b> 05/24/2022	<b>17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT</b> (Application was e-filed)		<b>18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT</b> Monica Sargeant
<b>PART III - TTB CERTIFICATE</b>			
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.			
<b>19. DATE ISSUED</b> 05/26/2022	<b>20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b>  <i>Stacey Doe</i>		

<b>FOR TTB USE ONLY</b>	
<b>QUALIFICATIONS</b>	<b>EXPIRATION DATE (If any)</b>

8/31/24, 7:24 AM

OMB No. 1513-0020

TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

**STATUS**

THE STATUS IS APPROVED.

**CLASS/TYPE DESCRIPTION**

MALT BEVERAGES SPECIALTIES - FLAVORED

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 7.46 inches W X 9 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.



TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE



8/31/24, 7:21 AM

OMB No. 1513-0020

OMB No. 1513-0020

<b>FOR TTB USE ONLY</b>		<b>DEPARTMENT OF THE TREASURY</b> <b>ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b> <b>APPLICATION FOR AND</b> <b>CERTIFICATION/EXEMPTION OF LABEL/BOTTLE</b> <b>APPROVAL</b> (See Instructions and Paperwork Reduction Act Notice on Back)	
<b>TTB ID</b> 22144001000810			
<b>1. REP. ID. NO. (If any)</b>	<b>CT</b> 906	<b>OR</b> 03	
<b>PART I - APPLICATION</b>			
<b>2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)</b> BR-NJ-21155	<b>3. SOURCE OF PRODUCT (Required)</b> <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	<b>8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)</b> US BEVERAGE PACKERS LLC 1 ARIZONA WAY Keasbey NJ 08832 HORNEILL BREWING CO., INC. (Used on label)	
<b>4. SERIAL NUMBER (Required)</b> 220004	<b>5. TYPE OF PRODUCT (Required)</b> <input type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input checked="" type="checkbox"/> MALT BEVERAGE		
<b>6. BRAND NAME (Required)</b> ARIZONA		<b>8a. MAILING ADDRESS, IF DIFFERENT</b>	
<b>7. FANCIFUL NAME (If any)</b> HARD ICED TEA LEMON			
<b>9. FORMULA</b> 1455640	<b>10. GRAPE VARIETAL(S) (Wine Only)</b> N/A	<b>14. TYPE OF APPLICATION (Check applicable box(es))</b> a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input checked="" type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. 22091001000401	
<b>11. WINE APPELLATION (If on label)</b>			
<b>12. PHONE NUMBER</b> (847) 373-3751	<b>13. EMAIL ADDRESS</b>		
<b>15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.</b>			
<b>PART II - APPLICANT'S CERTIFICATION</b>			
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
<b>16. DATE OF APPLICATION</b> 05/24/2022	<b>17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT</b> (Application was e-filed)		<b>18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT</b> Monica Sargeant
<b>PART III - TTB CERTIFICATE</b>			
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.			
<b>19. DATE ISSUED</b> 05/26/2022	<b>20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b>		

8/31/24, 7:21 AM

OMB No. 1513-0020

Authorized Signature**FOR TTB USE ONLY****QUALIFICATIONS**

TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

**STATUS**

THE STATUS IS APPROVED.

**CLASS/TYPE DESCRIPTION**

MALT BEVERAGES SPECIALITIES - FLAVORED

**EXPIRATION DATE (if any)**

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:


Brand (front) or keg collar

Actual Dimensions: 7.46 inches W X 9 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.

8/31/24, 7:21 AM

OMB No. 1513-0020

 Label Image: Brand (front) or keg collar



---

TTB F 5100.31 (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

8/31/24, 7:28 AM

OMB No. 1513-0020

OMB No. 1513-0020

<b>FOR TTB USE ONLY</b>			<b>DEPARTMENT OF THE TREASURY</b> <b>ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b> <b>APPLICATION FOR AND</b> <b>CERTIFICATION/EXEMPTION OF LABEL/BOTTLE</b> <b>APPROVAL</b> (See Instructions and Paperwork Reduction Act Notice on Back)		
<b>TTB ID</b> 23297001000240					
1. REP. ID. NO. (If any)	CT 906	OR 35			
<b>PART I - APPLICATION</b>					
<b>2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required)</b> BR-NC-21102		<b>3. SOURCE OF PRODUCT (Required)</b> <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported		<b>8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required)</b> Carolina Beverage Group, LLC 110 BARLEY PARK LN Mooresville NC 28115 HORNELL BREWING COMPANY INC (Used on label)	
<b>4. SERIAL NUMBER (Required)</b> 23058N		<b>5. TYPE OF PRODUCT (Required)</b> <input type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input checked="" type="checkbox"/> MALT BEVERAGE			
<b>6. BRAND NAME (Required)</b> ARIZONA			<b>8a. MAILING ADDRESS, IF DIFFERENT</b>		
<b>7. FANCIFUL NAME (If any)</b> HARD MUCHO MANGO					
<b>9. FORMULA</b> 1554777		<b>10. GRAPE VARIETAL(S) (Wine Only)</b> N/A		<b>14. TYPE OF APPLICATION (Check applicable box(es))</b> a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL. TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. _____	
<b>11. WINE APPELLATION (If on label)</b>		<b>12. PHONE NUMBER</b> (320) 460-1197		<b>13. EMAIL ADDRESS</b>	
15. SHOW ANY INFORMATION THAT IS BLOWN, BRANDED, OR EMBOSSED ON THE CONTAINER (e.g., net contents) ONLY IF IT DOES NOT APPEAR ON THE LABELS AFFIXED BELOW. ALSO, SHOW TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.					
<b>PART II - APPLICANT'S CERTIFICATION</b>					
Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.					
<b>16. DATE OF APPLICATION</b> 10/24/2023		<b>17. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT</b> (Application was e-filed)		<b>18. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT</b> Alysse Rolfes	
<b>PART III - TTB CERTIFICATE</b>					
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.					
<b>19. DATE ISSUED</b> 10/30/2023		<b>20. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU</b>			

8/31/24, 7:28 AM

OMB No. 1513-0020

*Rashida Mcelrath***FOR TTB USE ONLY****QUALIFICATIONS**

TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

**EXPIRATION DATE (if any)****STATUS**

THE STATUS IS APPROVED.

**CLASS/TYPE DESCRIPTION**

MALT BEVERAGES SPECIALITIES - FLAVORED

AFFIX COMPLETE SET OF LABELS BELOW

Image Type:

Brand (front) or keg collar

Actual Dimensions: 7.15 inches W X 5.92 inches H

Note: The image below has been reduced to fit the page. See actual dimensions above.





8/31/24, 7:28 AM

OMB No. 1513-0020

---

**TTB F 5100.31** (06-2016) PREVIOUS EDITIONS ARE OBSOLETE

# EXHIBIT E

**MCLS § 436.1105**

This document is current through Act 30 of the 2023 Regular Legislative Session and E.R.O. 2023-1

*Michigan Compiled Laws Service > Chapter 436 Alcoholic Beverages (§§ 436.1 — 436.2303) > Act 58 of 1998 (Chs. 1 — 13) > Chapter 1 (§§ 436.1101 — 436.1113a)*

**§ 436.1105. Definitions; A, B.**

---

Sec. 105.

- (1) “Alcohol” means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.
- (2) “Alcohol vapor device” means any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose.
- (3) “Alcoholic liquor” means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the commission according to alcoholic content as belonging to 1 of the varieties defined in this chapter.
- (4) “Alternating proprietorship” means 1 of the following:
  - (a) An arrangement in which 2 or more wine makers or small wine makers take turns using the same space and equipment to manufacture wine under section 603(9)(a) and in accordance with 27 CFR 24.136.
  - (b) An arrangement in which 2 or more brewers or micro brewers take turns using the same space and equipment to manufacture beer under section 603(9)(b) and in accordance with 27 CFR 25.52.
- (5) “Approved tasting room” means a tasting room that is approved by the commission. A licensee with an approved tasting room is not a retail licensee as that term is used in this act and the rules promulgated under this act except for sections 701, 801, 803, 815, 905, and 906.
- (6) “Authorized distribution agent” means a person approved by the commission to do 1 or more of the following:
  - (a) To store spirits owned by a supplier of spirits or the commission.
  - (b) To deliver spirits sold by the commission to retail licensees.
  - (c) To perform any function needed to store spirits owned by a supplier of spirits or by the commission or to deliver spirits sold by the commission to retail licensees.
- (7) “Bar” means a barrier or counter at which alcoholic liquor is sold to, served to, or consumed by customers.

## MCLS § 436.1105

- (8) “Beer” means a beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water.
- (9) “Bottle” or “bottling” means a process, separate from manufacturing, using owned or leased equipment to fill and seal a container, including a keg, with alcoholic liquor for sale at wholesale or retail in accordance with this act. Bottle or bottling does not include filling a growler for sale at retail.
- (10) “Brand” means any word, name, group of letters, symbol, trademark, or combination thereof adopted and used by a supplier to identify a specific beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product and to distinguish that product from another beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product that is produced or marketed by that or another supplier. As used in this subsection, “supplier” means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.
- (11) “Brand extension” means any brand that incorporates all or a substantial part of the unique features of a preexisting brand, regardless of whether the extension is beer, wine, mixed wine drink, or mixed spirit drink.
- (12) “Brandy” means an alcoholic liquor as defined in 27 CFR 5.22(d).
- (13) “Brandy manufacturer” means a wine maker or a small wine maker licensed under this act to manufacture brandy. A wine maker or small wine maker authorized to manufacture brandy shall not manufacture any other spirits. The commission may approve a brandy manufacturer to sell brandy that it manufactures at retail in accordance with section 537.
- (14) “Brewer” means a person located in this state that is licensed to manufacture beer and sell at retail in accordance with section 537 and to licensed wholesalers beer manufactured by the person.
- (15) “Brewpub” means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in this state and sell at its licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405, 407, and 537.

## History

---

*Pub Acts 1998, No. 58*, Ch. 1, § 105, imd eff April 14, 1998; amended by *Pub Acts 2005, No. 320*, imd eff December 27, 2005; *Pub Acts 2014, No. 353*, effective October 17, 2014; *Pub Acts 2018, No. 414*, effective December 19, 2018; *Pub Acts 2021, No. 19*, effective August 23, 2021; *Pub Acts 2022, No. 226*, effective October 14, 2022.

Annotations

## Notes

---

Comparing: Current Effective and Archived 2021

## MCLS § 436.1105

This document is current through Act 122 of the 2024 Regular Legislative Session and E.R.O. 2024-1

Michigan Compiled Laws Service > Chapter 436 Alcoholic Beverages (§§ 436.1 - 436.2303) > Act 58 of 1998 (Chs. 1 - 13) > Chapter 1 (§§ 436.1101 - 436.1113a)

### § 436.1105. Definitions; A, B.

---

Sec. 105.

- (1) "Alcohol" means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.
- (2) "Alcohol vapor device" means any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose.
- (3) "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the commission according to alcoholic content as belonging to 1 of the varieties defined in this chapter.
- (4) "Alternating proprietorship" means 1 of the following:
  - (a) An arrangement in which 2 or more wine makers or small wine makers take turns using the same space and equipment to manufacture wine under section 603(9)(a) and in accordance with 27 CFR 24.136.
  - (b) An arrangement in which 2 or more brewers or micro brewers take turns using the same space and equipment to manufacture beer pursuant to under section 603(9)(b) and in accordance with 27 CFR 25.52.
- (5) "Approved tasting room" means a tasting room that is approved by the commission. A licensee with an approved tasting room is not a retail licensee as that term is used in this act and the rules promulgated under this act except for sections 701, 801, 803, 815, 905, and 906.
- (6) "Authorized distribution agent" means a person approved by the commission to do 1 or more of the following:
  - (a) To store spirits owned by a supplier of spirits or the commission.
  - (b) To deliver spirits sold by the commission to retail licensees.
  - (c) To perform any function needed to store spirits owned by a supplier of spirits or by the commission or to deliver spirits sold by the commission to retail licensees.
- (7) "Bar" means a barrier or counter at which alcoholic liquor is sold to, served to, or consumed by customers.
- (8) "Beer" means a beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water.

MCLS \_ 436.1105\_(EffectiveOct14,2022ToArchived2021)

(9) "Bottle" or "bottling" means a process, separate from manufacturing, using owned or leased equipment to fill and seal a container, including a keg, with alcoholic liquor for sale at wholesale or retail in accordance with this act. Bottle or bottling does not include filling a growler for sale at retail.

(10) "Brand" means any word, name, group of letters, symbol, trademark, or combination thereof adopted and used by a supplier to identify a specific beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product and to distinguish that product from another beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product that is produced or marketed by that or another supplier. As used in this subsection, "supplier" means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.

(11) "Brand extension" means any brand that incorporates all or a substantial part of the unique features of a preexisting brand, ~~regardless of the same supplier. As used in this subsection, "supplier" means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of whether the extension is beer, wine, mixed wine drink, or an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.~~

(12) "Brandy" means an alcoholic liquor as defined in 27 CFR 5.22(d).

(13) "Brandy manufacturer" means a wine maker or a small wine maker licensed under this act to manufacture brandy. A wine maker or small wine maker authorized to manufacture brandy shall not manufacture any other spirits. The commission may approve a brandy manufacturer to sell brandy that it manufactures at retail in accordance with section 537.

(14) "Brewer" means a person located in this state that is licensed to manufacture beer and sell at retail in accordance with section 537 and to licensed wholesalers beer manufactured by the person.

(15) "Brewpub" means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in this state and sell at its licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405, 407, and 537.

## History

---

Pub Acts 1998, No. 58, Ch. 1, § 105, imd eff April 14, 1998; amended by Pub Acts 2005, No. 320, imd eff December 27, 2005; Pub Acts 2014, No. 353, effective October 17, 2014; Pub Acts 2018, No. 414, effective December 19, 2018; Pub Acts 2021, No. 19, effective August 23, 2021; Pub Acts 2022, No. 226, effective October 14, 2022.

2021 MCLS § 436.1105

2021 Michigan Code Archive

*Michigan Compiled Laws Service > Chapter 436 Alcoholic Beverages > Act 58 of 1998 Michigan Liquor Control Code of 1998 > Chapter 1*

**§ 436.1105. Definitions; A, B.**

---

Sec. 105.

- (1) "Alcohol" means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.
- (2) "Alcohol vapor device" means any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose.
- (3) "Alcoholic liquor" means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the commission according to alcoholic content as belonging to 1 of the varieties defined in this chapter.
- (4) "Alternating proprietorship" means 1 of the following:
  - (a) An arrangement in which 2 or more wine makers or small wine makers take turns using the same space and equipment to manufacture wine under section 603(9)(a) and in accordance with 27 CFR 24.136.
  - (b) An arrangement in which 2 or more brewers or micro brewers take turns using the same space and equipment to manufacture beer pursuant to section 603(9)(b) and in accordance with 27 CFR 25.52.
- (5) "Approved tasting room" means a tasting room that is approved by the commission. A licensee with an approved tasting room is not a retail licensee as that term is used in this act and the rules promulgated under this act except for sections 701, 801, 803, 815, 905, and 906.
- (6) "Authorized distribution agent" means a person approved by the commission to do 1 or more of the following:
  - (a) To store spirits owned by a supplier of spirits or the commission.
  - (b) To deliver spirits sold by the commission to retail licensees.
  - (c) To perform any function needed to store spirits owned by a supplier of spirits or by the commission or to deliver spirits sold by the commission to retail licensees.
- (7) "Bar" means a barrier or counter at which alcoholic liquor is sold to, served to, or consumed by customers.



## 2021 MCLS § 436.1105

- (8) “Beer” means a beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, sugar, or other cereal in potable water.
- (9) “Bottle” or “bottling” means a process, separate from manufacturing, using owned or leased equipment to fill and seal a container, including a keg, with alcoholic liquor for sale at wholesale or retail in accordance with this act. Bottle or bottling does not include filling a growler for sale at retail.
- (10) “Brand” means any word, name, group of letters, symbol, trademark, or combination thereof adopted and used by a supplier to identify a specific beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product and to distinguish that product from another beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product that is produced or marketed by that or another supplier. As used in this subsection, “supplier” means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.
- (11) “Brand extension” means any brand that incorporates all or a substantial part of the unique features of a preexisting brand of the same supplier. As used in this subsection, “supplier” means a brewer, micro brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, or an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.
- (12) “Brandy” means an alcoholic liquor as defined in 27 C.F.R. 5.22(d).
- (13) “Brandy manufacturer” means a wine maker or a small wine maker licensed under this act to manufacture brandy. A wine maker or small wine maker authorized to manufacture brandy shall not manufacture any other spirits. The commission may approve a brandy manufacturer to sell brandy that it manufactures at retail in accordance with section 537.
- (14) “Brewer” means a person located in this state that is licensed to manufacture beer and sell at retail in accordance with section 537 and to licensed wholesalers beer manufactured by the person.
- (15) “Brewpub” means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in this state and sell at its licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405, 407, and 537.

## History

---

*Pub Acts 1998, No. 58*, Ch. 1, § 105, imd eff April 14, 1998; amended by *Pub Acts 2005, No. 320*, imd eff December 27, 2005; *Pub Acts 2014, No. 353*, effective October 17, 2014; *Pub Acts 2018, No. 414*, effective December 19, 2018; *Pub Acts 2021, No. 19*, effective August 23, 2021.



2021 MCLS § 436.1105

a member of the LexisNexis Group. All rights reserved.

---

End of Document